

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 4, 5, 7, 9, 10, and 14 have been amended. Claim 2 was previously cancelled, and claims 17-23 have been added. Thus, claims 1 and 3-23 are now pending. In the office action, claims 6-10 and 12-16 were found in condition for allowance.

Claim 1 has been amended in order to clarify the adhesive properties of the drying seal in the claimed invention. Claims 17 and Claim 23 have also been added without introducing new subject matter.

Claims 5 and 10 have been amended to use subscripts in the chemical formulas.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1 and 11 were rejected under 35 U.S.C. § 103(a) as obvious over Rogers (U.S. Pat. 6,081, 071) in view of Young et al. (U.S. Pat. 6,489,719). For the reasons set forth below, the applicant respectfully traverses these rejections.

Claim 11 depends on claim 6; claim 6 was found in condition for allowance in the Office Action. As claim 11 depends upon an allowable base claim, applicant respectfully traverses this rejection.

Claim 1, as well as new claim 17, has been amended to clarify that the drying layer adheres to the rim of the inner surface of the substrate. The ability of the drying layer to adhere to the substrate eliminates the need for a second sealing layer. Rogers teaches a device in which two sealing layers surround a drying layer on both the inner and outer sides of the drying layer. Under Rogers, the deposition and positioning of the drying layer is dependant upon the surrounding sealing layers. In other words, the sealing layers bound the drying layer in a defined position. (Col. 4, ll. 10-16). Absent both sealing layers, the drying layer cannot be kept in a fixed position. Claims 1 and 17, on the other hand, involve the use of a drying layer which directly adheres to the substrate, eliminating the need for any additional sealing layers. By eliminating the need for a second sealing layer, the invention disclosed in claims 1 and 17 reduces process costs and improves the precision in the packaging of th device. Since Rogers

fails to disclose the use of a drying layer which adheres to the substrate, it fails to render claims 1 and 17 obvious.

Claims 1 and 17 recite the use of two distinct layers, one comprising a sealing layer and the other comprising a drying layer. Young teaches using a single sealing layer to enclose the device. Nowhere does Young teach or suggest the use of a sealing layer distinct from a second drying layer. While the sealing layer in Young does involve silicates, it does not teach that the silicates act as drying agents. Rather, Young teaches the use of the silicates for their structural properties, claiming that the presence of inorganic materials in the sealing composition prevents the diffusion, or at least slows the diffusion, of moisture through the sealing layer. (Col. 3, ll. 5-15). Young, therefore, fails to teach a drying layer having adhesive properties as recited in claims 1 and 17.

Even if the sealing layer taught by Young did exhibit drying action, there is no suggestion or motivation to combine the teachings of Young with Rogers to create the apparatus recited in claims 1 and 17. Upon combining the teachings of Young with Rogers, there is no suggestion to use a sealing layer and a drying layer which are distinct from one another. Specifically, there is no motivation to replace both the second sealing layer and the drying layer of the Rogers apparatus with the single sealing layer of the Young device. The use of distinct sealing and drying layers, as recited in claims 1 and 17, provides better protection against the influx of moisture, oxygen, and impurities into the apparatus. For at least these reasons, Rogers in view of Young fails to teach or suggest the use of distinct layers, a sealing layer and a drying layer, in which the drying layer adheres to the substrate. Accordingly, the applicant respectfully submits that claims 1 and 17 are nonobvious in view of those references.

Finally, new claim 23 recites the use of a single sealing layer and a single drying layer separate and distinct from each other. Rogers fails to teach using a single sealing layer with a single drying layer. Young fails to teach a sealing layer which exhibits drying action. Young also fails to teach or suggest the use of two distinct layers, a sealing layer separate and distinct from a drying layer. Accordingly, claim 23 is also in condition for allowance.

The remaining claims (which have additional patentable features not discussed herein) depend either from claims that the Examiner has already found to be in a condition for allowance, or from claims that are in a condition for allowance in view of the foregoing remarks. For at least this reason, the remaining claims are also in a condition for allowance.


In view of the above, Applicant respectfully requests reconsideration of the application in the form of a Notice of Allowance.



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Respectfully submitted,

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